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Attorneys for Plaintiff
VILMA SERRALTA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VILMA SERRALTA,

Plaintiff,

v.

SAKHAWAT KHAN; ROOMY KHAN; and
DOES ONE through TEN, inclusive,

Defendants.

) No. C 08-01427 CW

)
) **DECLARATION OF CAROLE VIGNE IN**
) **SUPPORT OF SUPPLEMENTAL BRIEF**
) **RE: MOTION FOR ENTRY OF**
) **DEFAULT JUDGMENT**

) **Date:** August 18, 2009

) **Time:** 2:00 p.m.

) **Ctrm:** Courtroom 2, 4th Floor

) [Hon. Claudia Wilken]

1 I, CAROLE VIGNE, declare:

2 1. I am an attorney at the Legal Aid Society – Employment Law Center and am duly
3 licensed to practice before this Court. I am one of the attorneys for the Plaintiff in *Serralta v.*
4 *Khan*, Case No. C 08-01427 CW. I make this declaration in support of Reply Brief in Support of
5 Plaintiff's Motion for Entry for Default Judgment, based upon my personal knowledge or upon
6 information and belief. If called as a witness, I could and would testify competently thereto.

7 2. Plaintiff's counsel, through a private investigator, tried speaking with third-party
8 witness Harleen Chopra on August 7, 2009 and again on August 11, 2009. Each time, Ms. Chopra
9 hung up the phone as soon as the investigator identified herself.

10 3. Plaintiff's counsel has attempted service of deposition and trial subpoenas on Ms.
11 Chopra on Thursday, August 20, 2009, Saturday, August 22, 2009, and Sunday, August 23, 2009,
12 each time without success. As such, Plaintiff's counsel has been unable to secure the presence of
13 Ms. Chopra at neither her deposition nor at trial.

14 4. Plaintiff's counsel attempted service of a trial subpoena on another third-party
15 witness, Sonia Michel, on Thursday, August 20, 2009. Ms. Michel, however, no longer lives at
16 17236 Via Primero, San Lorenzo, CA 94580 – the address provided to Plaintiff. Despite
17 Defendants' duty to supplement, Defendants never provided a new address for Ms. Michel, a witness
18 they themselves disclosed in their Supplemental Initial Disclosures and in their responses to
19 Interrogatories.

20 5. On Thursday, August 20, 2009, Plaintiff's counsel asked Defendants' counsel
21 whether he would accept service of trial subpoenas by electronic mail on behalf of his clients. A
22 true and correct copy of the e-mail from Mary Broughton to Damien Pamilla, dated August 20,
23 2009, is appended hereto as **Exhibit A**. As of the date of this filing, Defendants' counsel has not
24 responded to this e-mail request.

25 6. Accordingly, Plaintiff's counsel attempted service of subpoenas on both Defendants
26 Roomy Khan and Sakhawat Khan on Friday, August 21, 2009. Plaintiff's counsel was informed by
27 the process server that neither Defendant could be served, as Defendants' residence at 168 Isabella
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1 Avenue in Atherton was vacated. (Based on records obtained from the Recorder's Office of San
2 Mateo County, Plaintiff is investigating a series of recent property transfers involving the Atherton
3 residence.) As such, Plaintiff's counsel has been unable to secure the presence of Mrs. Khan at
4 either her deposition or at trial, and of Mr. Khan at trial.

5
6 I declare, under penalty of perjury under the laws of California and the United States, that
7 the foregoing is true and correct. Executed in San Francisco, California on the 24th day of
8 August, 2009.

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10 /s/Carole Vigne
11 CAROLE VIGNE
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